

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

ALTERRA AMERICA INSURANCE CO., et al.,

Plaintiffs,

- against -

NATIONAL FOOTBALL LEAGUE, et al.,

Defendants.

Index No. 652813/2012 E

Hon. Andrea Masley

Mot. Seq. 019

DISCOVER PROPERTY & CASUALTY
COMPANY, et al.,

Plaintiffs,

- against -

NATIONAL FOOTBALL LEAGUE, et al.,

Defendants.

Index No. 652933/2012 E

Hon. Andrea Masley

Mot. Seq. 020

**AFFIRMATION OF
DUSTIN CHO**

DUSTIN CHO, pursuant to CPLR 2106, affirms as follows under the penalties of perjury:

1. I am an attorney associated with Covington & Burling LLP, counsel for Defendants National Football League and NFL Properties LLC (collectively, the “NFL parties”). I am a member in good standing of the bar of the State of New York. I submit this affirmation in support of the NFL parties’ Memorandum of Law in Opposition to Insurers’ Motion for Partial Review of Memorandum and Order of Special Referee Michael Dolinger Regarding Motion to Compel Production of Reinsurance and Reserve Information. This affirmation is based on personal knowledge and my review of the attached documents.

2. Exhibits 1 through 26 in support of the NFL parties' motion to compel before the Special Referee were attached to my affirmation dated August 21, 2018, all of which were submitted by the movant insurers in connection with their motion for review as Exhibit B attached to the Affirmation of Kevin J. O'Connor, dated March 14, 2019 ("O'Connor Aff. Ex. B").

3. Attached as **Exhibit A** is a true and correct copy of the so-ordered Stipulation Between NFL Parties and Allstate Regarding Bad Faith Claim, Consent, and Motion for Leave to Amend, dated February 22, 2017, so-ordered on February 27, 2017, and filed in *Discover Property & Casualty Company, et al. v. National Football League, et al.*, Index No. 652933/2012, NYSCEF Doc. No. 347.

4. Attached as **Exhibit B** is a true and correct copy of the Stipulation Between NFL Parties, American Guarantee and Liability Insurance Co., and Arrowood Indemnity Co. Regarding Bad Faith Claim Claims and Consent, dated April 5, 2017, and filed in *Discover Property & Casualty Company, et al. v. National Football League, et al.*, Index No. 652933/2012, NYSCEF Doc. No. 352.

5. Attached as **Exhibit C** is a true and correct copy of this Court's Order Appointing Referee to Supervise Disclosure Pursuant to CPLR 3104, dated April 30, 2018, and filed in *Alterra America Insurance Co., et al. v. National Football League, et al.*, Index No. 652813/2012, NYSCEF Doc. No. 458.

6. Attached as **Exhibit D** is a true and correct copy of the Referee's Memorandum & Order ("Mem. & Order") of Special Referee Michael H. Dolinger, dated February 26, 2019, provided to the parties on February 28, 2019, and filed in the above-

captioned actions on March 20, 2019 (NYSCEF Doc No. 509 in the *Alterra* action and NYSCEF Doc. No. 517 in the *Discover* action). Exhibit D is to be filed under seal.

7. Attached as **Exhibit E** is a true and correct copy of excerpts of the transcript of oral argument held before the Special Referee on November 27, 2018. Exhibit E is to be filed under seal.

Dated: Washington, D.C.
March 29, 2019



Dustin Cho